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July 8, 2021

**VIA ECF**

Honorable Margo K. Brodie  
 United States District Court  
 Eastern District of New York  
 225 Cadman Plaza East  
 Brooklyn, New York 11201

Re: *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al.*, No. 19-cv-00660 (E.D.N.Y.)

Dear Judge Brodie:

I write to update the Court on the parties' ongoing efforts to address several of the important issues raised in this litigation through mediation.

## I. Background

I have continued to receive call and videoconference data from the parties. I continue to be in communication with the Federal Defenders, Inc. ("Plaintiff") and their counsel, and the government and representatives of the Metropolitan Detention Center ("MDC") and Metropolitan Correctional Center ("MCC").

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My communications with the Federal Defenders and the government focused on the following topics:

1. The current status of in-person legal visitation at both institutions.
2. The execution of the current protocol for scheduling and placing attorney-client phone calls at the MDC and the MCC.

## **II. Telephonic Contact**

The parties continue to schedule and facilitate legal phone calls under the Court Protocol for Attorney Calls and Teleconference Hearings. Pursuant to the Protocol, attorney-client calls were scheduled by Federal Defenders for afternoon slots of one-half hour each from 12pm to 3pm at the MDC and 1 to 3:30 pm at the MCC. As Your Honor is aware, the parties have also made efforts to expand legal call hours beyond the times provided in the Protocol. *See ECF Nos. 70 & 76.*

### **A. MCC**

According to the information received from the parties, MCC scheduled 49 calls between July 1 and July 7, 2021. 44 calls were completed, three calls were not completed for logistical reasons,<sup>1</sup> one call was attempted, and one call was not completed for an unknown reason. We are working with the parties to gather more information about this call. Additionally, Federal Defenders report some scheduling issues this week.

### **B. MDC**

According to the information received from the Federal Defenders, MDC scheduled 138 calls between July 1 and July 7, 2021.<sup>2</sup> 103 calls were completed, 24 calls we are unaware of their outcome,<sup>3</sup> and 11 calls were not completed for unknown reasons. We are working with the parties to gather more information about these calls. Additionally, Federal Defenders report some scheduling issues this week.

## **III. Videoconferencing**

### **A. MCC**

According to the information received from the parties, MCC scheduled 13 videoconferences between July 1 and July 7, 2021. 12 VTCs were completed and one VTC was not completed due to issues with the video terminal.

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<sup>1</sup> Logistical reasons include: one inmate refusing the call; one inmate not willing to wait; and one call was not completed because of scheduling issues with MCC.

<sup>2</sup> We did not receive data from MDC for this week.

<sup>3</sup> We did not receive data from the MDC for this week. These calls were reported by the Federal Defenders but their resolution is undetermined.

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B. MDC

According to the information received from the Federal Defenders, MDC scheduled 30 videoconferences between July 1 and July 7, 2021.<sup>4</sup> 25 VTCs were completed as scheduled, four VTCs we are unaware of their outcome,<sup>5</sup> and one VTC was not completed for an unknown reason. We are working with the parties to gather more information about this VTC. Additionally, Federal Defenders report some scheduling issues this week.

Respectfully,

/s/ Loretta E. Lynch  
Loretta E. Lynch

cc: Sean Hecker, Kaplan, Hecker & Fink  
Seth D. Eichenholtz, U.S. Attorney's Office (E.D.N.Y.)  
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David Jones, U.S. Attorney's Office (S.D.N.Y.)

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<sup>4</sup> We did not receive data from MDC for this week.

<sup>5</sup> We did not receive data from the MDC this week. These VTCs were reported by the Federal Defenders but their resolution is undetermined.